



## Decision Memo

# 2020 Range Improvements

## Divide Park, Trail Creek, Middle Fork, East Fork Piedra and Fourmile Allotments

USDA Forest Service

Pagosa Ranger District, San Juan National Forest

Archuleta and Hinsdale Counties, Colorado

### Background

The purpose and need of this project is to control cattle movement in the Divide Park and Trail Creek Allotments and to provide handling facilities/corrals in the Middle Fork, East Fork Piedra and Fourmile Allotments. The Divide Park and Trail Creek Allotments are neighboring allotments. Both allotments are managed under a deferred pasture rotation system, using salting, riding, and natural barriers to control cattle movement. There is an existing ½ mile long boundary fence between these two allotments. The fence ends on a steep natural boundary and has never been tied into the existing fence line to the north. Cattle will sometimes end up in the wrong pasture because of this gap in the allotment boundary fence. On the Middle Fork, East Fork Piedra, and Fourmile Allotments, gathering livestock during and after the grazing season is difficult due to a lack of livestock handling facilities. The Middle Fork and Fourmile allotments are currently managed under a deferred pasture rotation system, and East Fork Piedra is currently managed under a deferred rest pasture rotation system, using salting, riding, and natural barriers to control cattle movement. The permittees on Middle Fork, East Fork Piedra and Fourmile have expressed a need for handling facilities/corrals to aid in loading, unloading, doctoring and gathering strays. Proposed handling facilities/corrals could be used jointly by neighboring permittees as needed. By constructing pasture boundary fencing and constructing handling facilities/corrals, it will be possible to better control livestock movement on the allotments.

### Decision

I have decided to approve the construction of a boundary fence between the Divide Park and Trail Creek Allotments. The fence will be a let-down 4-wire, barbed wire fence, approximately 1.04 miles in length, built to Forest Service standards by hand, and using equipment such as ATV's, a dozer, and/or skid steer loader. A combination of steel and wood posts will be used, with a maximum wire height of 42 inches. There will be a 10 foot clearing limit on either side of the fence during construction. White fir less than 16 inches, aspen less than 15 inches and Gambel oak less than 7 inches diameter will be removed where needed during fence construction.

I also approve the construction of one livestock handling facility/corral on the Middle Fork and East Fork Piedra Allotments, and one on the Fourmile Allotment. The Middle Fork/East Fork Piedra corral will not exceed 40 feet by 40 feet. The Fourmile corral will not exceed 80 feet by 80 feet. A skid steer may be utilized during construction. There will be approximately ¼ acre disturbed during construction of each corral. No trees will be removed during corral construction.

The locations of the fence and handling facilities/corrals are given below and are also shown on the attached map:

- **Divide Park/Trail Creek Allotment boundary fence** –SE ¼ NE ¼ Section 32,5, T37N, R3W
- **Middle Fork/East Fork Piedra corral** – SE ¼ SE ¼ Section 10, T37N, R3W
- **Fourmile corral** -NW ¼ NE 14 Section 16, T36N, R2W

My decision also includes the following design criteria:

- Prior to project activities, inventory and treat priority weed infestations within the project area.
- Off-road equipment must be cleaned and inspected by the Forest Service before entering National Forest System lands and prior to moving between weed-infested areas to weed-free areas. Remove mud, dirt, and plant parts from project equipment before moving it into the project area.
- Restrict equipment and off-road vehicle use when soils are saturated such that ruts 4 inches deep or deeper for 10 feet or longer are created. If larger ruts are created, they will be rehabilitated by blading, draining, and seeding as necessary.
- Equipment and ground vehicles will be kept out of streams, swales, lakes, and wetlands.
- All vegetation shall be cut in such a way as to not obstruct culverts or streamcourses. Debris resulting from vegetation clearing will be removed from culverts and streamcourses, within 48 hours or sooner if damage is likely to occur, and by approved methods. Debris will be stabilized in a manner that prevents it from being carried into culverts and/or streamcourses. Damage to roads or similar structures as a result of debris obstruction of runoff or flows will be promptly repaired by the permittee.
- All slash and trees felled during fence construction will be lopped and scattered, and not piled. All material must lie as close to the ground as possible with no slash exceeding 18" above ground level.
- All slash material will be kept clear of cleared fence right-of-way.
- In the event that cultural resources or human remains are discovered, all activities in the immediate area will stop and the District or Forest Archaeologist will be notified immediately. The District Archaeologist will be provided reasonable time to evaluate the cultural resource, the potential impacts to the resource and consult with all required parties, including the State Historic Preservation Officer (SHPO), as needed.

#### **Category of the Proposed Action**

This action falls under Forest Service Handbook 1909.15, Section 32.2 (9), Categories of Actions for Which a Project or Case File and Decision Memo Are Required. Specifically, it falls under category 36 CFR 220.6(e)(9): *"Implementation or modification of minor management practices to improve allotment condition or animal distribution when an Allotment Management Plan is not yet in place."* Based on the environmental analysis and past experience, the effects of implementing this action will be of limited context and intensity and will result in little or no adverse environmental effects to either the physical or biological components of the environment.

#### **Finding on No Extraordinary Circumstances**

The proposed project was analyzed by an interdisciplinary (ID) team of Forest Service specialists including a Rangeland Management Specialist, Wildlife Biologist, Hydrologist, and Archeologist. Based on site specific field analysis, the Interdisciplinary Team has determined the following regarding extraordinary circumstances.

- a) **Threatened, endangered, or proposed species, their critical habitat, or Forest Service sensitive species:** *Federally Listed Species:* A list of federally listed species was requested through the U.S. Fish and Wildlife Service IPAC website on October 8, 2020, Consultation Code 06E24100-2016-SLI-

0381. There is no habitat present in the project area for any federally listed species. The proposed action will have no effect to federally listed species.

*Sensitive Plant Species:* Habitat is present in the project area for violet milkvetch, lesser yellow lady's slipper orchid, Missouri milkvetch, and frosty bladderpod. Potential impacts to sensitive plant species include trampling, uprooting, and killing of individual plants during corral and fence construction, but impacts to species and their habitat will be of small scale and short duration. Therefore, it was determined in the Biological Evaluation that the proposed action may adversely impact individuals, but is not likely to result in a loss of viability on the planning area nor cause a trend toward federal listing, or loss of species viability rangewide for these species.

*Sensitive Animal Species:* Habitat is present in the project area for American marten, hoary bat, flammulated owl, Lewis' woodpecker, northern goshawk, olive-sided flycatcher, western bumblebee and Monarch butterfly. It was determined in the Biological Evaluation that the proposed action may adversely impact individuals, but is not likely to result in a loss of viability on the planning area nor cause a trend toward federal listing, or loss of species viability rangewide for these species. Potential impacts to sensitive species include minor loss of habitat associated with tree removal for fence construction and short-term disturbance impacts to individuals from corral and fence construction. Impacts to breeding, roosting, and foraging will be minor in scope, scale and duration. No adverse cumulative impacts are expected.

- b) **Floodplains, Wetlands, or Municipal Watersheds:** There will be no adverse effects to floodplains or flood-prone areas in the project area. The Fourmile Corral is located within a municipal watershed but the construction and use of the facility will not cause adverse impacts to drinking water quality. The other facilities are not located within a municipal watershed. Wetlands are not present within the analysis area.
- c) **Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas:** The project is not within any congressionally designated areas; therefore, they will not be impacted.
- d) **Inventoried Roadless Areas:** This project does not fall within any inventoried roadless areas. Therefore, there will be no impact to these areas.
- e) **Research Natural Areas:** The project is not within an RNA; therefore, RNA's will not be impacted.
- f) **American Indian and Alaska Native religious or cultural sites:** No Native American or Alaska native religious or cultural sites are found within the project area.
- g) **Archeological sites, or historic properties or areas:** In compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR 800, a Class III cultural resource inventory has been conducted within the areas of potential effect (APE) and an analysis of effects to cultural resources during project implementation was performed by a cultural resource specialist. No cultural resource sites or isolated finds have been found within the project APEs. The analysis determined that the reconstruction of the corral and construction of the relocated boundary fence line will result in "*no historic properties present/no affect*". Per the "No findings/No Effect" MOA with the Colorado State Historic Preservation Officer, no concurrence on the determination of effect is required from SHPO.

### **Public Involvement**

The grazing permittee was consulted, as well as Forest Service specialists. In addition, a proposal to construct range improvements on these Allotments was listed in the Schedule of Proposed Actions (SOPA) beginning in November 2020.

### **Findings Required by Other Laws**

This decision is consistent with the 2013 San Juan National Forest Land and Resource Management Plan as required by the National Forest Management Act, and was designed in conformance with forest plan standards and guidelines. The project is within Management Area (MA) 4 (High Use Recreation Emphasis), MA 5 (Active Management), and MA 7 (Public and Private Lands Intermix). The project is in compliance with MA 4, 5, and 7 allowable activities. The project is also in compliance with other Federal, State, and local laws. The proposed project was reviewed for compliance with Section 106 of the National Historic Preservation Act, the Endangered Species Act, and the Clean Water Act. The proposed action, with design criteria, is in compliance with these laws. The District finds that no extraordinary circumstances exist that would warrant further analysis.

### **Implementation Date**

This project may be implemented immediately upon signature of this document. Implementation is planned to begin in June 2021.

### **Administrative Review or Appeal Opportunities**

This decision is not subject to administrative appeal pursuant to Forest Service Regulation 36 CFR 215.12 (f).

### **Contact Person**

For additional information concerning this decision, contact John Garcia, Rangeland Management Specialist, (970) 264-1516, Pagosa Ranger District, San Juan National Forest, P.O. Box 310, Pagosa Springs, CO 81147.



Kevin C. Khung  
District Ranger

12/4/2020  
Date

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Attachment 1 – Map of the Project Area



